

filed motions for appointment of counsel [D.E. 5] and for summons to be served [D.E. 6]. On February 2, 2011, Magistrate Judge Webb granted Bennett a second extension of time until March 7, 2011 to file his complaint and the appropriate number of copies [D.E. 11]. Bennett has failed to comply with Judge Webb's orders. He has not filed his complaint or in forma pauperis application on the prescribed forms, nor has he submitted a sufficient number of copies of his complaint for service.

As for Bennett's motion for appointment of counsel, no right to counsel exists in civil cases absent "exceptional circumstances." Whisenant v. Yuam, 739 F.2d 160, 163 (4th Cir. 1984), abrogated in part on other grounds by Mallard v. U.S. Dist. Court, 490 U.S. 296 (1989); see Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975). The existence of exceptional circumstances "hinges on [the] characteristics of the claim and the litigant." Whisenant, 739 F.2d at 163. The facts of this case and Bennett's abilities do not present exceptional circumstances. Accordingly, the court denies Bennett's motion for appointment of counsel.

As for Bennett's motion for issuance of summons, the court denies the motion as premature. Once Bennett submits a corrected complaint and in forma pauperis application, along with a sufficient number of copies of his complaint for service, the court will conduct a frivolity review pursuant to 28 U.S.C. § 1915A, and, as appropriate, will issue summons for service pursuant to 28 U.S.C. § 1915(d).

In sum, the court DENIES Bennett's motions for appointment of counsel [D.E. 5] and for summons to be served [D.E. 6]. The clerk is DIRECTED to send a second set of forms to Bennett. Bennett shall comply with the prior orders in their entirety and file a corrected complaint and in forma pauperis application, along with the required copies of the complaint, with the clerk not later

than June 26, 2011. Bennett is hereby WARNED that his failure to comply with this order will result in the dismissal of this action without prejudice.

SO ORDERED. This 6 day of June 2011.


JAMES C. DEVER III
United States District Judge